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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE WESTERN DISTRICT OF WASHINGTON**
10 **AT TACOMA**

11 DAVID COLE,

12 Plaintiff,

13 v.

14 JIM STIRLING MOTORS, INC., a
15 Washington corporation,

16 Defendant.
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No. C05-5287RJB

ORDER DENYING

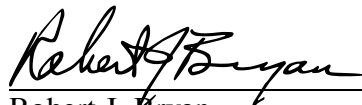
(1) DEFENDANT'S MOTION FOR
NEW TRIAL OR IN THE
ALTERNATIVE, FOR REMITTITUR
AND

(2) DEFENDANT'S MOTION TO
STRIKE PUNITIVE DAMAGE
AWARD OR IN THE ALTERNATIVE
FOR A NEW TRIAL ON PUNITIVE
DAMAGES

19 This matter comes before the court on the above-referenced motions (Dkts. 94 and 95). The
20 court is familiar with the records and files herein, the events of the trial, and all documents filed in support
21 of and in opposition to said motions.

22 The court is satisfied that the trial in this matter was fair in all respects; that the jury instructions
23 were accurate; and that the verdict was supported by the evidence when considered in the light most
24 favorable to plaintiff. Therefore, both of the aforementioned motions are hereby **DENIED**.

25 DATED this 23rd day of October, 2006.

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28 Robert J. Bryan
United States District Judge